

REMARKS

Status of the Application

Claims 21-29 have been examined. Applicants thank the Examiner for indicating that claims 24-26, and 28-29 would be allowed if rewritten in independent form including all the limitations of the base claim and any intervening claim. However, Applicants will hold such rewriting in abeyance choosing instead to traverse the rejection of the base claims.

Rejection under 35 U.S.C. § 103(a) over Reimer in view of Curwen

The Examiner has rejected claims 21-23 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Reimer et al. (EP 1,014,427; hereinafter “Reimer”) in view of Curwen (US 4,360,087). Applicant respectfully traverses this rejection.

The Examiner applies Reimer alleging that it discloses all the claimed features but concedes that Reimer does not disclose the “isolation means” of equivalence to that disclosed in the instant application and “comprising an isolation enclosure enclosing said primary pump.” (Office Action, pg.3) Applicants agree that Reimer is deficient in at least this regard, but disagrees that Curwen makes up this deficiency as alleged.

Specifically, even if Reimer and Curwen are combined as the Examiner suggests, the combination fails to teach or suggest, at least, the isolation means comprising an isolation enclosure, wherein said isolation enclosure is sealed, as recited in independent claim 21. With regard to the previously presented isolation enclosure, the Examiner attempts to rely on

Applicants' reiteration of Curwen's disclosure stating, "[T]he frame comprising an outer casing 10 enclosing the machine 20." (Office Action, pg. 5)

However, Applicants' previous statement and the disclosure of Curwen fail to teach or suggest that the enclosure is sealed. For example, Curwen merely teaches that the assembly comprises a metallic outer casing 10. (col. 3, lines 59-60) Additionally, Curwen discloses that the casing 10 is shown at least partially enveloping compressor assembly 20. Moreover, Curwen teaches that this enclosure may equivalently comprise any structural support means for securing the suspension system thereto. (col. 4, lines 30-34) It is obvious from this disclosure that Curwen fails to teach or suggest a sealed enclosure. Furthermore, this limitation is not inherent as Curwen explicitly teaches that any structural support may be used, implying a total enclosure is not required.

Thus, Applicants respectfully submit that independent claim 21 is patentable over the applied combination of Reimer and Curwen. Further, Applicant submits that claims 22, 23 and 27 are patentable, at least by virtue of their dependency, and for the additional features recited therein.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Amendment Under C.F.R. § 1.116
U.S. Appln. No. 09/981,743

Atty. Dkt. No.: Q66747

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Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. P. Emery', written over a horizontal line.

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Date: March 24, 2006